

AMENDED IN SENATE SEPTEMBER 8, 2005

AMENDED IN SENATE SEPTEMBER 2, 2005

AMENDED IN SENATE JULY 12, 2005

AMENDED IN SENATE JUNE 20, 2005

AMENDED IN ASSEMBLY MAY 27, 2005

AMENDED IN ASSEMBLY APRIL 20, 2005

AMENDED IN ASSEMBLY APRIL 13, 2005

AMENDED IN ASSEMBLY APRIL 4, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1263

Introduced by Assembly Member Yee

February 22, 2005

An act to add Section 7350.1 to the Business and Professions Code, relating to barbering and cosmetology.

LEGISLATIVE COUNSEL'S DIGEST

AB 1263, as amended, Yee. Barbering and cosmetology: equipment.

Under existing law, the Barbering and Cosmetology Act, the State Board of Barbering and Cosmetology licenses and regulates persons engaged in the practice of barbering and cosmetology, and makes a violation of the act a misdemeanor. Existing law requires an establishment in which cosmetology is practiced to be licensed by the board.

This bill would require the board to adopt regulations on or before July 1, 2006, that set forth standards and requirements for the use of pedicure equipment. The bill would require these standards to be kept current with specified state and federal agency standards. The bill would also require the board to establish penalties for violations of these regulations and to develop consumer notices, as specified, to be displayed in pedicure foot spas.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Due to the recent outbreaks of serious infections
2 and the lack of standards for the proper disinfection of pedicure
3 equipment in California, it is imperative that the safety of
4 manicure, pedicure, and all nail salon patrons be assured. This
5 can only be accomplished by the adoption of regulations that will
6 not only require, but will also ensure that proper safety
7 requirements are followed.

8 SEC. 2. Section 7350.1 is added to the Business and
9 Professions Code, to read:

10 7350.1. (a) The board shall adopt regulations on or before
11 July 1, 2006, that set forth standards and requirements for the use
12 of pedicure equipment that do all of the following:

13 (1) Establish minimum safety specifications for pedicure
14 equipment.

15 (2) Require the use of disinfectants registered at a level for
16 instrument disinfection by the U.S. Environmental Protection
17 Agency.

18 (3) Establish procedures to ensure the proper and safe
19 operation of pedicure spa equipment.

20 (4) Establish proper protocols for disinfecting all multiuse
21 tools and equipment between patrons in all salons providing
22 manicure and pedicure services. The time of contact shall be 10
23 minutes and the disinfection shall be by complete immersion on
24 nonporous items such as, but not limited to, cuticle nippers,
25 pushers, electric file bits, and nail files.

26 (5) All equipment that holds water for pedicures, including
27 whirlpool spas, automated systems for cleaning and disinfecting,
28 pipeless whirlpool spas, footbaths, basins, tubs, sinks, and bowls

1 shall be cleaned of all visible debris and residue after use of each
2 patron with a surfactant detergent or a U.S. Environmental
3 Protection Agency registered disinfectant containing high levels
4 of surfactant detergents, and then disinfected by circulating,
5 where applicable, or to remain in wet contact with all surfaces of
6 the pedicure appliance or equipment, regardless of mechanical
7 configuration, the correct dilution of disinfectant throughout the
8 unit for 10 minutes. Automated systems for cleaning and
9 disinfecting in accordance with this provision are acceptable.

10 (6) If the appropriate technology is available, establish
11 minimum safety specifications and other requirements for the
12 manufacture of new whirlpool pedicure equipment and the
13 modification of existing whirlpool equipment.

14 (7) Establish accountability procedures and notification
15 requirements to patrons that proper cleaning and disinfection
16 procedures have been followed on all multiuse tools and
17 equipment, including, but not limited to, automated systems for
18 cleaning and disinfecting, prior to providing any manicure and
19 pedicure salon service.

20 (b) The board shall keep disinfection standards and protocols
21 current with standards set by the State Department of Health
22 Services, the U.S. Environmental Protection Agency, and the
23 United States Centers for Disease Control and Prevention.

24 (c) (1) The board shall also establish, pursuant to Section
25 125.9, penalties for licensees and establishments that violate
26 regulations adopted pursuant to this section.

27 (2) The board shall develop a notice to be prominently
28 displayed in pedicure foot spas that advises patrons not to shave
29 or wax their legs prior to a pedicure and not to have a pedicure if
30 they have any open wounds in or near their feet or legs.

31 (3) The board shall conspicuously display a notice in a
32 violator's place of business or employment if any or all of the
33 following occurs:

34 (A) The board has revoked, suspended, or denied a license to
35 operate a nail salon or pedicure foot spa.

36 (B) The board has assessed a fine or penalty, has issued a
37 citation, or taken other disciplinary action against an operator of
38 a nail salon or pedicure foot spa.

1 (C) An operator of a pedicure foot spa failed to prominently
2 display the consumer notice as specified in paragraph (2) of this
3 subdivision.
4 ~~(d) No action of any kind in any court of competent~~
5 ~~jurisdiction shall lie against the board or the state by virtue of the~~
6 ~~regulations adopted pursuant to this section.~~

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